

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE STATE OF OHIO, ex rel. DAVE YOST,
OHIO ATTORNEY GENERAL,

and

THE UNITED STATES OF AMERICA,

Plaintiffs,

v.

NORFOLK SOUTHERN CORPORATION and
NORFOLK SOUTHERN RAILWAY COMPANY,

Defendants.

Civil Action No. 4:23CV517

4:23CV675

Hon. John R. Adams

NORFOLK SOUTHERN'S STATUS REPORT

Pursuant to this Court's April 15, 2024 Case Management Plan (Dkt. 131), Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company ("Norfolk Southern") submit the following status report. This is the first monthly status report.

1. Discovery that has occurred during the reporting period:
 - a. On April 17, 2024, the State of Ohio served on Norfolk Southern its first set of requests for admission, interrogatories, and requests for production.
 - b. On May 1, 2024, the United States served on Norfolk Southern its first set of interrogatories and requests for production.
2. Settlement discussions that have occurred during the reporting period:
 - a. On April 18, April 24, May 1, and May 3, the United States and Norfolk Southern held productive settlement meetings. Settlement counsel are also in frequent communication outside of formal meetings.

b. The State of Ohio and Norfolk Southern have engaged in productive discussions.

3. Motions that have been filed or remain pending the reporting period: On March 26, 2024, Norfolk Southern filed a motion for entry of partial final judgment under Federal Rule of Civil Procedure 54(b) with respect to the dismissed claims brought in Norfolk Southern's Third-Party Complaint. Dkt. 121. Third-Party Defendant Trinity Industries Leasing Corporation, which was dismissed from this action pursuant to this Court's March 6, 2024 Order, Dkt. 113, filed an opposition brief to Norfolk Southern's motion for entry of partial final judgment on April 9, 2024, Dkt. 123. Norfolk Southern filed a reply in support of its motion on April 16, 2024. Dkt. 132. Norfolk Southern's motion is fully briefed and remains pending. No other motions have been filed or remain pending during the reporting period.

4. Developments that might give rise to a request to deviate from the case management plan schedule: Norfolk Southern has no developments to report from the reporting period that would give rise to a request to deviate from the schedule delineated in the April 15, 2024 Case Management Plan (Dkt. 131).

Norfolk Southern will submit its second joint status report on Friday, June 14, 2024.

Dated: May 15, 2024

Respectfully submitted,

By: /s/ Davina Pujari
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 15, 2024, I served a copy of the foregoing document by filing through the Court's CM/ECF system, which electronically notified all parties of record.

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